



INSPECTOR GENERAL  
DEPARTMENT OF DEFENSE  
400 ARMY NAVY DRIVE  
ARLINGTON, VIRGINIA 22202-4704

MAR 21 2003

MEMORANDUM FOR CIVILIAN AND MILITARY PERSONNEL EMPLOYED BY  
AND ASSIGNED TO THE OFFICE OF THE INSPECTOR  
GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: IG Act Duty of the Inspector General to Protect the Identity of Whistleblowers

References: (a) Inspector General Act of 1978, as amended  
(b) Inspector General Policy Memorandum of February 10, 2003, "Inspector General Act Implementation and Office of Inspector General Policy Guidance"

Purpose: To provide specific guidance on Section 7 of Reference (a), consistent with the general guidance promulgated in Reference (b).

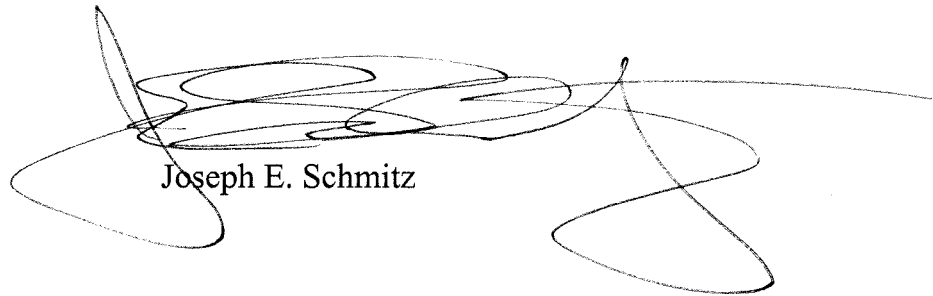
Statutory Duty: Section 7 of Reference (a), entitled "Complaints by employees; disclosure of identity; reprisals," provides, *inter alia*, that "The Inspector General shall not, after receipt of a complaint or information from [a DoD] employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation," and "Any employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or threaten to take any action against an employee as reprisal for making a complaint or disclosing information to an Inspector General, unless the complaint was made or the information disclosed with knowledge that it was false or with willful disregard for its truth or falsity."

Policy Guidance: It is the policy of the Office of Inspector General to carry out the letter and the spirit of the Inspector General's explicit duty under Section 7(b) of Reference (a), "after receipt of a complaint or information from an employee," not to "disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation."

DoD Employees, including members of the Armed Forces, who provide information to the Inspector General of the Department of Defense, or to any representative of the Inspector General, should understand that Reference (a) envisions circumstances wherein the Inspector General may determine that disclosure of their identity is unavoidable. Specifically, Reference (a) requires the Inspector General either to "report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law" (Section 4(d)), or to "expeditiously report suspected or alleged violations of chapter 47 of Title 10, United States Code (Uniform Code of Military Justice), to the Secretary of the military department concerned or the Secretary of Defense" (Section 8(d)).

Pending completion of an ongoing, more deliberate review of all current guidance on whistleblower protection and statutory reporting duties within the Office of Inspector General, it is the general policy of the Inspector General to delegate the reporting duties in Sections 4(d) and 8(d) of Reference (a) only in a form that includes guidance consistent with the letter and spirit of Section 7 of Reference (a), and any and all other applicable whistleblower protection laws.

Effective Date: This Policy Memorandum is effective immediately.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Joseph E. Schmitz